

**Worksheet**  
**Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA)**  
 U.S. Department of the Interior  
 Bureau of Land Management (BLM)

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**Note:** This worksheet is to be completed consistent with the policies stated in the Instruction Memorandum entitled "Documentation of Land Use Plan Conformance and National Environmental Policy Act (NEPA) Adequacy" transmitting this worksheet and the "Guidelines for Using the DNA Worksheet" located at the end of the worksheet. (Note: The signed CONCLUSION at the end of this worksheet is part of an interim step in the BLM's internal analysis process and does not constitute an appealable decision.)

**A. BLM Office:** Klamath Falls R.A. OR-014    **Range Project #:** 706643

**Proposed Action Title/Type:** The proposed action is to construct approximately 0.50 to 0.55 mile of 4-strand barbed wire fencing to enclose and protect (from livestock grazing) about 0.4 mile of Pankey Creek which lies on BLM lands in the Pankey Basin allotment (#0884).

**Location of Proposed Action:** The proposed fencing project is located within the Pankey Basin allotment with the approximate legal description of T39S, R13E, Section 27, W ½. The Pankey Basin allotment is immediately north of the mouth of Miller Creek Canyon in the northwest portion of the Gerber Block. It is approximately 40 miles east of Klamath Falls, Oregon. The majority of this allotment is unfenced privately owned lands (508 acres) which are grazed in common with a smaller amount of BLM lands (282 acres).

**Description of the Proposed Action:** The ~½ mile of fencing will be built to BLM standards (BLM Manual Handbook H-1741-1), i.e. the three upper strands are barbed wire with the 4<sup>th</sup> lower wire smooth, wire spacing (bottom to top) 16" (to 18")-6"-6"-12", steel "T" posts 18-20' apart, and rock cribs or tree scabs at corners and ends. The fence will tie into the existing Pankey Basin/Miller Creek pasture division fence (which will also need some maintenance as part of this project) on the north and tie off on a rim-rock at the south end, forming a "box" enclosure that is open on the lower (south) end. However, the lower end is inaccessible to cattle due to the steep canyon walls of Miller Creek.

**Applicant (if any):** This fence is being proposed by the BLM; thus, there is no applicant per se. The grazing permittee on the allotment is Eldon Kent, who leases the Pankey Basin private base property from the Hall family who actually own the property. (Mr. Kent was going to notify the Hall's of this proposed project; see attached notes dated 5/22/04.)

**B. Conformance with the Land Use Plan (LUP) and Consistency with Related Subordinate Implementation Plans**

LUP Name\*: *Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement (KFRA RMP/EIS dated September 1994)*

Date Approved: *June 1995 via the Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary (KFRA ROD/RMP/RPS)*

Other documents\*\*: *Gerber-Willow Valley Watershed Analysis (GWA dated July 2003) which includes the Rangeland Health Standards Assessment (RHSA) for the Pankey Basin Allotment*

- \* List applicable LUPs (e.g., Resource Management Plans or applicable amendments).
- \*\*List applicable activity, project, management, water quality restoration, or program plans.

**-The proposed action is in conformance with the applicable LUPs because it is specifically provided for in the following LUP decisions:**

The 1995 KFRA ROD/RMP/RPS states on page 63 the general objective to:  
*“Construct rangeland improvements as needed to support achievement of management objectives. Rangeland improvements may include, but are not limited to fence and reservoir construction, spring developments, vegetation manipulation, and prescribed burns. See Appendix H for a listing of proposed range land improvements, for each grazing allotment, predicted to be necessary at this time...”*

The 1995 KFRA ROD/RMP/RPS - Appendix H - listed the grazing parameters and objectives for all the grazing allotments in the KFRA. The Pankey Basin allotment is found on page H-55; it has the following two conflicts/objectives listed:

***Identified Resources***  
***Conflicts/Concerns***

Riparian or aquatic habitat is in less than good habitat condition.

Water quality may not currently meet the Department of Environmental Quality water quality standards for beneficial use.

***Management Objectives***  
***Objectives***

Maintain and improve riparian or aquatic habitat in good or better habitat condition.

Maintain and improve water quality on public lands to meet or exceed standards for beneficial uses, as specifically established by the Department of Environmental Quality, where BLM authorized actions are having a negative effect on water quality.

On page H-68 of the ROD/RMP/RPS Appendix H (the “*Potential Range Improvements by Allotment*”), it was noted that the Pankey Basin allotment was envisioned to need up to 1 mile of fencing and up to 2 reservoirs constructed to potentially meet the above LUP objectives. Appendix H also notes (page H-1) that plan also noted that “*All changes to...livestock grazing management will be made through the monitoring and evaluation process as outlined in the (the plan)...*” The “*monitoring and evaluation process*” outlined in the plan is now known as the *Rangeland Health Standards Assessment* (RHSA) process which was implemented beginning in FY 1998.

The RHSA for Pankey Basin was completed in July 2003 as part of the *Gerber-Willow Valley Watershed Analysis* (GWA). That analysis identified the BLM portion of Pankey Creek as not meeting Standard 2 (riparian/wetland functionality) of the Oregon/Washington Standards for Rangeland Health. Because of this non-attainment, the GWA proposed several options to move towards meeting that Standard (GWA pages 327-329). Option 3 in the GWA was the enclosure fencing of the BLM’s portion of Pankey Creek and was noted as the “preferred option” since it was deemed the most likely to achieve the riparian related objectives. (No reservoirs were thought necessary in the GWA analysis since livestock water would still be available on the unfenced private lands just above the proposed enclosure fencing.)

**-The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions) and, if applicable, implementation plan decisions:**

Not Applicable - the action is specifically provided for in the LUP.

**C. Identify the applicable NEPA document(s) and other related documents that cover the proposed action.**

**List by name and date all applicable NEPA documents that cover the proposed action.**

*Klamath Falls R.A. Resource Management Plan and Environmental Impact Statement* (KFRA RMP/EIS dated September 1994) approved via the June 1995 *Klamath Falls Resource Area Record of Decision and Resource Management Plan and Rangeland Program Summary* (KFRA ROD/RMP/RPS). This is the overall land use plan (LUP) for the Klamath Falls Resource Area.

Klamath Falls Resource Area Fire Management EA #OR-014-94-09 (June 10, 1994)

**List by name and date other documentation relevant to the proposed action (e.g., source drinking water assessments, biological assessment, biological opinion, watershed assessment, allotment evaluation, rangeland health standard's assessment and determinations, and monitoring the report).**

The *Gerber-Willow Valley Watershed Analysis* was completed in July 2003. This analysis included the *Rangeland Health Standards Assessment* (RHSA) for the Pankey Basin Allotment.

**D. NEPA Adequacy Criteria**

**1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed?**

**Documentation of answer and explanation:**

The proposed action (riparian exclosure fencing) is consistent with the grazing management identified in the KFRA RMP/EIS Preferred Alternative - called the "Proposed Resource Management Plan" or PRMP (also called the "Final RMP/EIS"). Specifics by allotment are found in Appendix L, with the Pankey Basin allotment on page L-55. The preferred alternative was affirmed and implemented by the KFRA ROD/RMP/RPS, where the allotment specific information is found in Appendix H, page H-55. The specific proposed fencing for the allotment was listed on page H-68. Environmental impacts of grazing, for all alternatives, are found in Chapter 4 - "Environmental Consequences" (4-1 through 4-143) - of the KFRA RMP/EIS. Since the proposed action and the Pankey Basin allotment were specifically analyzed in the plan, the answer to this NEPA adequacy question must be "yes".

**2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?**

**Documentation of answer and explanation:**

The proposed action (permit/ease renewal) lies within the range of various alternatives identified and analyzed in the KFRA RMP/EIS (summarized in table S-1 "Comparisons of Allocations and Management by Alternative", pages 18-50; and S-2 "Summary of Environmental Consequences by Alternative", pages 52-53). This array and range of alternatives included the No Action alternative (status quo); five other alternatives (A through E) that covered a span of management from a strong

emphasis on commodities production to a strong emphasis on resource protection/preservation; and the PRMP that emphasizes a balanced approach of producing an array of socially valuable products within the concept of ecosystem management. Since this plan is relatively recent (1995), it more than adequately reflects “current environmental concerns, interests, and resource values”. Recent formal evaluations of the RMP (1999 & 2003) affirmed the validity and adequacy of the plan. Given all the above, the answer to this NEPA adequacy question must be considered “yes.”

**3. Is the existing analysis adequate and are the conclusions adequate in light of any new information or circumstances (including, for example, riparian proper functioning condition [PFC] reports; rangeland health standards assessments; Unified Watershed Assessment categorizations; inventory and monitoring data; most recent Fish and Wildlife Service lists of threatened, endangered, proposed, and candidate species; most recent BLM lists of sensitive species)? Can you reasonably conclude that all new information and all new circumstances are insignificant with regard to analysis of the proposed action?**

**Documentation of answer and explanation:** A review was conducted to determine if any new information, studies, and/or analyses has been collected/completed since 1995 that would materially differ from that collected/completed during the RMP/EIS process. No new information has been collected or analyzed for this allotment **that would change the analysis and conclusions completed during the RMP/EIS process. In fact, more recent information affirms and supports fully the analysis of the LUP.** The following information is pertinent to the full addressing of this NEPA adequacy question:

- An Ecological Site Inventory (ESI) was completed on this allotment during the 1997-1998 field seasons. The ESI is the BLM’s rangeland vegetation inventory method, comparing the current vegetation on a given area against the Potential Natural Community (PNC) that should or could be present. It found that over 90% of the BLM lands in the Pankey Basin allotment were in either late seral (65.7%) or PNC (24.8%) condition – both determined to be functionally unimpaired upland vegetation conditions on this allotment. The remaining areas (9.5%) were in mid seral condition, but determined to be in adequate condition and the current condition not a function of recent livestock grazing. In short, upland vegetation conditions are not a resource problem in this allotment. (Note: The ESI did not rate the condition of the riparian area along Pankey Creek since ESI is largely upland in utility.)
- In 1997, a Proper Functioning Condition (PFC) assessment was done on Pankey Creek by a team of resource specialists. This assessment found that of the 0.7 miles of the creek on BLM administered lands, 0.3 mile was ranked as “Proper Functioning Condition” and 0.4 mile was ranked as “Non-functional.” The latter portion is that which is being proposed for fencing in this DNA.
- As noted earlier, the Gerber-Willow Valley Watershed Analysis (GWA) analyzed the entire Gerber Block and surrounding areas – including this allotment. The allotment specific analysis was based largely on the information noted in the two points above. Included in the GWA was a *Rangeland Health Standards Assessment* for the Pankey Basin allotment. This Assessment found that one of the 5 *Standards for Rangeland Health* (riparian/wetland functionality) was not being met based on the poor riparian conditions on the BLM’s portion of Pankey Creek. The proposed action remedies this problem.
- Subsequent to completion of the GWA, a field check of the allotment (by the author of this DNA) during the late summer of 2003 affirmed that the riparian conditions were still impaired, grazing use was very heavy along the creek, and some type of remedial action needs taken; thus the proposed action. (See the attached notes from that visit, dated 8/28/03.)
- This allotment – like most areas in the KFRA – has some degree of juniper encroachment or

juniper density problems. Western juniper (*Juniperous occidentalis*) has and is increasing on most ecological sites beyond that which is thought ecologically appropriate and threatens the current and future functioning of many areas. This problem is being addressed primarily as a fuels problem and is outside the scope of this DNA.

- The science done during the Interior Columbia Basin Ecosystem Management Planning (ICBEMP) effort did not indicate any new or significant information that would modify the management direction in this allotment; that effort's broad scale did not allow for the specificity of the KFRA RMP.
- Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed its overall validity, adequacy, and appropriateness. Specifically, the recent 2003 evaluation found the direction outlined for the grazing/rangeland management program was still pertinent and in need of no revisions or amendments.

To summarize, the existing analysis and subsequent conclusions in the LUP are still considered valid at this time, including the described and analyzed livestock grazing impacts. In fact, the new (post-1995) information noted above affirms the conclusion of the LUP that fencing is needed on the Pankey Basin allotment to meet the objectives of the plan. Given all the above, the answer to this NEPA adequacy question must be considered "yes."

**4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action?**

**Documentation of answer and explanation:**

The KFRA RMP/EIS, and subsequent ROD/RMP/RPS, designated domestic livestock grazing as a principle or major use for this allotment under the principle of multiple-use on a sustained yield basis in accordance with FLPMA. The development of the Proposed Resource Management Plan in the RMP/EIS, as adjusted or affirmed by the ROD/RMP/RPS, meets NEPA standards for impact analysis. The methodology and analyses employed in the RMP/EIS are still considered valid as this planning effort is relatively recent (ROD - June 1995) and considered up to date procedurally. Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed the validity, adequacy, and appropriateness of this Land Use Plan. Litigation related or induced direction since the ROD has not indicated that the LUP "methodology and analytical approach" is dated, obsolete, or in need of amendment. The plan is "maintained" regularly to keep it current by incorporating new information, updating for new policies and procedures, and correcting errors as they are found. In addition, all the rangeland monitoring, studies, and survey methods (i.e. ESI) utilized in the resource area prior to and during the planning process continue to be accepted (or required) BLM methods and procedures. These accepted methods continue to be utilized where and as needed. Given all the above, the answer to this question must be considered "yes."

**5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document sufficiently analyze site-specific impacts related to the current proposed action?**

**Documentation of answer and explanation:**

The proposed action is consistent with the impact analysis KFRA RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS. The impacts of livestock grazing were analyzed in most of the major sections of Chapter 4 - Environmental Consequences (pages 4-1 through 4-143) in the RMP/EIS. No new information has come to light since completion of the plan that would indicate that the previously analyzed direct/indirect impacts would be substantially different. In fact, recent

information directly supports the analysis in the RMP (see question #3 above). Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) have also affirmed the validity, adequacy, and appropriateness of this Land Use Plan, including its impact analysis.

The details of the proposed action were also covered specifically in Appendix H - *Grazing Management and Rangeland Program Summary* of the KFRA ROD/RMP/RPS. Specifically, page H-55 covers the Pankey Basin allotment objectives/management and page H-68 notes the project work proposed to address the objectives.

In summary, based on current information and judgment the answer to this NEPA adequacy question is “yes”; that the direct and indirect impacts of the proposed project are unchanged from that identified in the LUP and that plan also adequately analyzes the site-specific impacts.

**6. Can you conclude without additional analysis or information that the cumulative impacts that would result from implementation of the current proposed action are substantially unchanged from those analyzed in the existing NEPA document(s)?**

**Documentation of answer and explanation:**

The proposed action as analyzed in the PRMP of the KFRA RMP/EIS, as affirmed or adjusted by the ROD/RMP/RPS, would not change analysis of cumulative impacts. Any adverse cumulative impacts are the same as, and within the parameters of, those identified and accepted in that earlier planning effort for this allotments grazing use, since the proposed action was specifically analyzed in the RMP/EIS. Recent formal evaluations of the RMP/ROD/EIS (1999 & 2003) affirmed the validity, adequacy, and appropriateness of this Land Use Plan, including the cumulative impact analysis. In addition, the relatively recent analyses in the Interior Columbia Basin Ecosystem Management Plan (ICBEMP) have not indicated any cumulative impacts beyond those anticipated in the earlier analyses. (In addition, the ICBEMP, due to its regional approach does not have the specificity of the RMP.)

**7. Are the public involvement and interagency review associated with existing NEPA document(s) adequately for the current proposed action?**

**Documentation of answer and explanation:**

The KFRA RMP/EIS and ROD/RMP/RPS were distributed to all interested publics and other government agencies for review. Since this proposed fencing project is as listed in the LUP - and that plan went through all of the appropriate and legally required public/agency review - public involvement is considered at least adequate.

All of those publics/agencies have also been kept informed of plan implementation through periodic planning update reports (i.e. May 1995, October 1997, February 1999, July 2000, August 2002, and late 2003). These planning updates, or Annual Program Summaries, include information on range program and project accomplishments, updates to the RPS, monitoring accomplishment reports, planned activities for the upcoming year, allotment evaluation and Rangeland Health Standards Assessment scheduling, and other information necessary to allow for adequate public involvement opportunities.

No specific public involvement or “interested public” status (under the grazing regulations at 43 CFR 4100.0-5) has been requested for this allotment, with the exception of the existing permittee who is granted “automatic” status.

**E. Interdisciplinary Analysis:** Identify those team members conducting or participating in the preparation of this worksheet.

<u>Name</u>	<u>Title</u>	<u>Resource Represented</u>
Bill Lindsey	Rangeland Mgmt. Specialist	Author/Grazing Mgmt.
(See cover sheet for other participants and/or reviewers)		

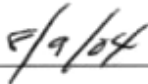
**F. Mitigation Measures:** List any applicable mitigation measures that were identified, analyzed, and approved in relevant LUPs and existing NEPA document(s). List the specific mitigation measures or identify an attachment that includes those specific mitigation measures. Document that these applicable mitigation measures must be incorporated and implemented.

There is no specific mitigation measure(s) needed beyond the typical BLM standards for constructing a barbed wire fence. These requirements are laid out in BLM Manual Handbook H-1741-1.

### **CONCLUSION**

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the existing NEPA documentation fully covers the proposed action and constitute BLM's compliance with the requirements of NEPA.

  
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Field Manager, Klamath Falls Resource Area

  
\_\_\_\_\_  
Date



